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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/814,971                      | 03/31/2004  | Parminder Agarwal    | GEPL.P-140          | 8705             |
| 64898                           | 7590        | 09/22/2006           | EXAMINER            |                  |
| MARINA LARSON & ASSOCIATES, LLC |             |                      | BUTTNER, DAVID J    |                  |
| ATTN: GE - VALOX                |             |                      | ART UNIT            |                  |
| P.O. BOX 4928                   |             |                      | PAPER NUMBER        |                  |
| DILLION, CO 80435-4928          |             |                      | 1712                |                  |

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/814,971

**Applicant(s)**

AGARWAL ET AL.

**Examiner**

David Buttner

**Art Unit**

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 18-30 and 35-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/4/06</u> . | 6) <input type="checkbox"/> Other: _____  |

Claims 18,19,37 and 38 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims' 18 and 37 "and/or" would permit the "epoxy-functional styrene (meth) acrylic copolymer" to have no styrene. A styrene (meth) acrylic copolymer must have both a styrene and a (meth)acrylic monomer present. Also note "styrene" is one particular compound. "Styrenic" is a broader term permitting some substitutions.

Claims 1-10,18-28 and 35-38 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gallucci '792.

Gallucci discloses blends of polyester, polycarbonate and glycidyl ester polymer (col 5 line 62-67). Stabilizers such as phosphoric acid can be added (col 6 line 54). The glycidyl ester polymer can be based on styrene (when R1 is aryl) glycidyl acrylate and alkyl acrylates (see formula 1 of col 3). Example 1 also shows blends of polyester, polycarbonate, glycidyl polymer and monozinc phosphate dehydrate. The reference at least renders obvious if not anticipates applicant's claims.

Claims 1-9 and 18-28 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP04309552.

The reference is believed to exemplify (#5) and of 68 parts polycarbonate, 31 parts polyester, 1 part CP-50S (paragraph 55) and 0.5 part PEP36. Inherently, CP-50S is a glycidylmethacrylate/styrene/MMA copolymer (see Kakinuma '821's description at col 3 line 31-34). PEP36 is inherently a diphosphite (see Mizutani's description at col 8 line 49). These two materials qualify as applicant's quenchers.

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Claims 1-9 and 18-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Gallucci '792 or JP04309552 in view of Nagai EP774491.

Gallucci and JP'552 do not disclose the addition of catalysts in their blended compositions.

It is known that inclusion of transesterification catalysts to polycarbonate/polyester blends will cause transesterification between the two and result in a transparent blend (page 2 line 46; page 7 line 41; tables). It would have been obvious to include a catalyst in either Gallucci's or JP'552's blend for the expected benefit.

Applicant's arguments filed 4/4/06 have been fully considered but they are not persuasive.

Applicant argues the none of the previously applied references (except Nelson) disclose epoxy polymers and that claim 31 was not rejected.

This is not convincing. Galluci was applied against claim 31 in the first action and was clearly described by the examiner as exemplifying glycidylmethacrylate polymers.

This application contains claims 11-17 drawn to an invention nonelected with traverse in response 4/4/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

No previous claim required styrene in the epoxy polymer. Previous claims 19 and 33 placed "and/or" adjacent to the styrenic monomer.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Buttner

DAVID J. BUTTNER  
PRIMARY EXAMINER

9/18/06

